

Minutes of Land Use, Parks and Environment (LUPE) Committee
Tuesday, March 18, 2014

Vice-Chair Walter Kolb called the meeting to order at 8:30 a.m. and led the committee in the Pledge of Allegiance.

Committee Present: Supervisors Dave Zimmermann, Fritz Ruf, Walter Kolb, Pamela Meyer, Jim Batzko and Tom Schellinger. **Absent:** Supervisor Jim Heinrich (Chair).

Also Present: Legislative Policy Advisor Sarah Spaeth, Legislative Associate Karen Phillips, Park System Manager Duane Grimm, Attorney Kim Haines, Planning and Zoning Manager Jason Fruth, Senior Financial Analyst Steve Trimborn and Supervisor Peter Wolff.

Approve Minutes of February 18, 2014

MOTION: Ruf moved, second by Schellinger to approve the minutes of February 18, 2014. Motion carried 6-0.

Executive Committee Report of March 17, 2014

Spaeth summarized the items discussed at the March 17, 2014 Executive Committee meeting:

- The ordinance regarding the intergovernmental agreement for the shared on-site medical clinic was approved.
- Presentation of audit of the Sheriff's Department – Jail Division and CJCC Alternatives to Incarceration Programs.
- Four appointments were approved.

Correspondence

- Memo from Parks & Land Use Director Dale Shaver to County Board Chairman Paul Decker RE: Response to February 13th correspondence from Johns Disposal Service, Inc.

Future Meeting Date

- April 1, 2014 (Ruf will be absent)

Motion to Allow Committee Secretary Meyer to Approve the Final Set(s) of Committee Minutes on Behalf of the Committee

MOTION: Ruf moved, second by Zimmerman to allow Secretary Meyer to approve the final set(s) of committee minutes on behalf of the committee. Motion carried 6-0.

Ordinance 168-O-099: Approve Three Year Agreement Between Waukesha County And The Waukesha County Fair Association For Holding The Waukesha County Fair At The Waukesha County Exposition Center For The Years 2014 Through 2016

Grimm was present to review this ordinance which authorizes the Parks and Land Use Department to enter into a new lease agreement with the Waukesha County Fair Association (CFA) for use of the County Exposition Center facility and grounds to operate the County Fair for the years 2014-2016. Under the terms of the agreement, the CFA will make a 2014 fixed base rental payment of \$43,000 with an approximate 3% increase in years 2015 and 2016. The contract base payment is slightly less than the prior contract which reflects the CFA doing additional site setup, maintenance and cleanup activities previously provided by the county. The prior contract also included a share of the food and beverage commissions to repay a prior year unpaid rental payment over the three-year agreement (2011-2013) and is not part of the new agreement. The department will manage the reduced county support of the fair and lower fair rental revenue within the overall 2014 adopted Exposition Center budget resulting in no budget impact.

Ruf asked if the county fair is profitable. Grimm stated the profitability of the event is weather-driven. It is profitable in good weather years, but has experienced losses in years with bad weather. In response to Schellinger's question, Spaeth noted the CFA's website shows that it is a non-profit volunteer organization.

MOTION: Ruf moved, second by Batzko to approve Ordinance 168-O-099. Motion carried 6-0.

Ordinance 168-O-094: Repeal And Recreate Table 6(b)1.B.i Of The Waukesha County Shoreland And Floodland Protection Ordinance To Incorporate The FEMA Letter Of Map Revision For The Sussex Creek Stream Location Project (SZ-1768)

Fruth was present to discuss this ordinance which amends the text of the Waukesha County Shoreland and Floodland Protection Ordinance to incorporate by reference, the FEMA Letter of Map Revision for the Sussex Creek stream location project. Lands affected are owned by Halquist Stone Company and are located in Section 35 of the Town of Lisbon. The simple text change will allow for a safer movement pattern for quarry trucks.

MOTION: Schellinger moved, second by Zimmermann to approve Ordinance 168-O-094. Motion carried 6-0.

Ordinance 168-O-095: Amend The Text Of The Town Of Waukesha Zoning Code To Repeal And Recreate Section 13-2-10(d) Regarding Accessory Building Provisions And Create Section 13-3-9B Regarding The Creation Of The R-4 Single Family Residence District (ZT-1767)

Fruth was present to discuss this ordinance which authorizes text amendments to the Town of Waukesha Zoning Code regarding accessory building provisions and a new zoning district, the R-4 Single Family Residence District.

Fruth pointed out the location of the subject area on an aerial view photograph. The creation of an R-4 district would address the town "islands" that are surrounded by the City of Waukesha. The town felt they needed to address the issue of substandard lots of record (lots that are smaller than permitted in the the most-dense zoning district of R-3). The R-3 District requires standards that make improvements difficult on these smaller lots. The new district would make improvements of these smaller existing lots of record easier without the need for variances. Planning and Zoning staff recommend approval of the proposed changes.

MOTION: Ruf moved, second by Meyer to approve ordinance 168-O-095. Motion carried 6-0.

Ordinance 168-O-096: Amend The Text Of The Town Of Delafield Zoning Code To Repeal Section 17.05(5)(M) And Create Section 17.06(6) Of The Town Of Delafield Zoning Code Regarding Wireless Telecommunications Mobile Service Facilities (ZT-1773)

Fruth was present to discuss this ordinance which allows for amendments to the Town of Delafield Zoning Code to bring the town's telecommunications provisions up to date with recent state and federal law changes. Delafield is the first town within the County to bring forth a change in its code. Fruth stated that Planning and Zoning staff conferred with corporation counsel and confirmed that state statutes were being properly interpreted. To answer Schellinger's question, Fruth stated this ordinance is appropriate and could serve as a model to be followed by other municipalities.

MOTION: Batzko moved, second by Ruf, to approve to approve Ordinance 168-O-096. Motion carried. 6-0.

Ordinance 168-O-097: Amend The District Zoning Map Of The Town Of Mukwonago Zoning Code By Rezoning Certain Lands Located In Part Of The SE ¼ Of Section 17, T5N, R18E, Town Of Mukwonago, Waukesha County, Wisconsin, From The A-P Agricultural Land Preservation District To The A-1 Agricultural District (ZT-1771)

Fruth was present to discuss this ordinance which allows for the rezoning of a 14.1 acre parcel in the Town of Mukwonago so the property to can be divided into two parcels. The request is to rezone the property from the A-P Agricultural Land Preservation District to the A-1 Agricultural District. Fruth noted that no lands within the town are eligible for farmland zoning tax credits, as no lands were included in the Waukesha County Farmland Preservation Plan.

Fruth pointed out the location of the property on an aerial view photograph. The petitioner is proposing to divide the property into two parcels (5.84 acre and 8.26 acre) by certified survey map (CSM). The petitioner plans to build on one of the parcels and a family member will build on the other. Planning and Zoning staff recommend approval in accordance with the Town of Mukwonago's decision.

MOTION: Ruf moved, second by Schellinger to approve Ordinance 168-O-097. Motion carried 6-0.

Ordinance 168-O-098: Amend The District Zoning Map Of The Town Of Mukwonago Zoning Code By Rezoning Certain Lands Located In Part Of The NE ¼ Of Section 34 And The NW ¼ Of Section 35, T5N, R18E, Town Of Mukwonago, Waukesha County, Wisconsin, From The R-2 Residential District To The R-3 Residential District (ZT-1772)

Fruth was present to discuss this ordinance which amends the zoning map of the Town of Mukwonago to allow for the merger of several severely substandard parcels within the Town of Mukwonago into one lot, which will allow for the future redevelopment of the lands. The request is to rezone the property from the R-2 Residential District to the R-3 Residential District.

Fruth pointed out the location of the subject area on an aerial view photograph. The properties contain a former restaurant and bar, a two-story building with a dwelling unit on the second floor, a one-story cottage and two sheds, located on Lower Phantom Lake in the Town of Mukwonago. The request is to combine the multiple substandard lots into one parcel and allow for the future construction of a single-family residence. The rezone was approved in 2012 by the town; however, the zoning ordinance was never forwarded to the Planning and Zoning Division until recently.

Schellinger asked why this ordinance did not come forward sooner. Fruth stated that it was likely an oversight by the town. The property owner thought it had been taken care of long ago.

MOTION: Meyer moved, second by Ruf to approve Ordinance 168-O-098. Motion carried 6-0.

Resolution 168-R-008: Amend The Regional Water Quality Management Plan For The Village Of Nashotah, Waukesha County, Wisconsin

Fruth was present to discuss this resolution which signifies the county's acceptance of a sewer service area expansion for the Village of Nashotah. He pointed out the subject area on an aerial view photograph. The area to be added to the sewer service area is a triangular parcel approximately 11-acres in size and is proposed to be developed as a church. The site was recently detached from the Village of Chenequa and attached to the Village of Nashotah; it will be served by the Dela-Hart waste water treatment plant. There is adequate capacity to serve the subject area. Fruth commented there are no natural resources on the site and it is immediately adjacent to other areas served by sewer.

MOTION: Ruf moved, second by Schellinger, to approve Resolution 168-R-008. Motion carried 6-0.

MOTION: Zimmerman moved, second by Ruf to adjourn the meeting at 9:29 a.m. Motion carried 6-0.

Respectfully submitted,

Pamela Meyer
Secretary